

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DANIEL RAY JAMES,

Plaintiff,

V.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

4:10CV3141

# MEMORANDUM AND ORDER

Plaintiff, through counsel, has filed an application to proceed in forma pauperis (filing no. 2). The information contained in plaintiff's affidavit demonstrates that plaintiff is eligible to proceed in forma pauperis under 28 U.S.C. § 1915.

IT IS ORDERED:

1. Plaintiff's application to proceed in forma pauperis [2] is granted, and the complaint shall be filed without payment of fees.
2. The Clerk of Court shall send a copy of this Memorandum and Order together with three summons forms and three Form 285s to the plaintiff's attorney of record for service of process on the United States.
3. If requested to do so, the United States Marshal shall serve all process in this case without prepayment of fees from the Plaintiff. In making such a request, Plaintiff's counsel must complete the Marshal's Form 285, to be submitted to the Marshal with the completed summons forms and copies of the Complaint. In the absence of those forms, service of process by the Marshal cannot occur.
4. This order is entered without prejudice to the court later entering an order taxing costs in this case. No one, including any plaintiff, is relieved by this order from the obligation to pay or to reimburse taxable costs after this action is over.

DATED this 21<sup>st</sup> day of July, 2010.

BY THE COURT:

*s/ Cheryl R. Zwart*

United States Magistrate Judge